

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSE F. OLIVARES,

Plaintiff,

Case No. 22-cv-10574

Hon. Matthew F. Leitman

v.

PERFORMANCE
CONTRACTING GROUP, *et al.*,

Defendants.

**ORDER (1) STRIKING PLAINTIFF'S MOTION (ECF No. 81) AND
(2) DIRECTING PLAINTIFF TO FILE MOTION IN THE UNITED
STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

On July 14, 2023, this Court granted Defendants' motion for summary judgment in a written order. (*See* Order, ECF No. 73.) It entered judgment against Plaintiff Jose Olivares and in favor of Defendants on the same day. (*See* Judgment, ECF No. 74.) Olivares has appealed the Court's ruling in the United States Court of Appeals for the Sixth Circuit. (*See* Notice of Appeal, ECF No. 75.)

On October 11, 2023, Olivares filed a motion in this Court that appears to be related to his ongoing appeal in the Sixth Circuit. (*See* Mot., ECF No. 81.) Thus, it appears that Olivares filed the motion in this Court in error and that it should instead be filed in the court of appeals. Accordingly, the Court **STRIKES** Olivares' motion

and directs Olivares to file the motion in the Sixth Circuit where his appeal is currently pending.

IT IS SO ORDERED.

Dated: October 16, 2023

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 16, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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